

REMARKS

Claims 15-20 and 45-52 have been amended. Claims 1-52 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 101 Rejection:

The Office Action rejected claims 15-19 and 45-52 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses this rejection. However, in order to expedite prosecution, these claims have been amended to recite a “computer-accessible storage medium storing program instructions, wherein the program instructions are computer-executable to ...”. Withdrawal of this rejection is respectfully requested.

Section 103(a) Rejection:

The Office Action rejected claims 1-52 under 35 U.S.C. § 103(a) as being unpatentable over Shirin et al. (U.S. Publication 2005/0060349) (hereinafter “Shirin”) in view of Verbeke et al. (U.S. Publication 2004/0098447) (hereinafter “Verbeke”). Applicant traverses this rejection for at least the following reason.

The earliest publication dates of both Shirin and Verbeke are after the filing date of the present application. Therefore, Shirin and Verbeke can only be considered as prior art under 35 USC § 102(e), (f) or (g). However, at the time the claimed invention was made, the subject matter of both Shirin and Verbeke, and the claimed invention, were all owned by Sun Microsystems, Inc. or subject to an obligation of assignment to Sun Microsystems, Inc. Therefore, per 35 USC § 103(c), Shirin and Verbeke cannot be used to reject Applicant's claims under 35 USC § 103. Accordingly, withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-75600/RCK.

Respectfully submitted,

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Date: February 27, 2008